IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1531 OF 2005

Gajanan Shivajirao Gond ...Petitioner

Vs.

The Principal, Bijapur Vanita Vidyalaya (D.Ed.) College Vasai & Ors. ...Respondents

...

Mr. R.L.Majgaonkar Advocate for Petitioner
Mr. Rajesh More A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**

**DATE : JUNE 27,2005**

**P.C.**

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The main prayer of the petitioner is quashing of F.I.R. i.e. C.R.No.I-41 of 2005 of Vasai Police Station. The said case is under Sections 468, 471 and 420 of IPC.

3. The petitioner submitted a certificate dated 13.2.2003 issued by Civil Surgeon at Latur stating therein that he is suffering from deafness and on the basis of that certificate, the petitioner had secured admission for D.Ed. course in Bijapur Vanita Vidyalaya at Vasai. The said certificate was sent for verification and the Civil Surgeon at General Hospital Latur as well as R.M.O. has stated that no such certificate was issued. So also the enquiries made with various staff of the civil hospital at Latur revealed that no such certificate was issued by the Civil Surgeon to the petitioner.

4. In fact, the investigation in this case has revealed that the petitioner approached one Mr.Khille who was working as ward boy in the civil hospital at Latur and said Khille prepared a false certificate for the petitioner. Mr.Khille has been arrested in the said case and he is in custody at present. The investigation has revealed that Khille had supplied 16 such bogus certificates to 16 students. The investigation in the present case is going on. Looking to the material on record, I

do not think that this is a fit case to quash the F.I.R. at this stage. However, after the charge sheet is filed, liberty is granted to the petitioner to seek quashing of the charge sheet if so advised.

4. The petitioner has also prayed for return of various certificates i.e. certificate relating to the passing of S.S.C. examination, school leaving certificate, various mark-sheets etc. which have been seized by the police during the investigation of this case. Looking to the fact that the investigation is going on, I am of the opinion that the documents ought not to be returned to the petitioner at this stage. Liberty is granted to the petitioner to prefer fresh application for return of the documents after the investigation is over.

5. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]